Entered on Docket
September 04, 2009

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Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:	Case No. BK-S-06-10725-LBR
	Case No. BK-S-06-10726-LBR[1]
USA COMMERCIAL MORTGAGE COMPANY,	Case No. BK-S-06-10727-LBR
	Case No. BK-S-06-10728-LBR[2]
USA CAPITAL REALTY ADVISORS, LLC,[1]	Case No. BK-S-06-10729-LBR[3]
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	CHAPTER 11
USA CAPITAL FIRST TRUST DEED FUND, LLC,[2]	Jointly Administered Under Case No. BK-S-06-10725 LBR
USA SECURITIES, LLC,[3]	
Debtors.	**ORDER SUSTAINING TENTH OMNIBUS OBJECTION OF USACM TRUST TO PROOFS OF CLAIM BASED, IN WHOLE OR IN PART, UPON INVESTMENT IN THE BAY POMPANO BEACH LOAN**
Affects:	
☐ All Debtors	Hearing Date: August 21, 2009
☒ USA Commercial Mortgage Company	Hearing Time: 9:30 a.m.
☐ USA Capital Realty Advisors, LLC	
☐ USA Capital Diversified Trust Deed Fund, LLC	
☐ USA Capital First Trust Deed Fund, LLC	
☐ USA Securities, LLC	

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[1] This bankruptcy case was closed on September 23, 2008.

[2] This bankruptcy case was closed on October 12, 2007.

[3] This bankruptcy case was closed on December 21, 2007.

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—— LLP ——
L A W Y E R S

1   The Court having considered the "Tenth Omnibus Objection of USACM Trust to

2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach

3 Loan" [Docket No. 7285] (the "Objection"); with appropriate notice of the Objection

4 having been given; no responses having been filed; and good cause appearing:

5   **IT IS HEREBY ORDERED** that:

6   1.   The Objection is sustained.

7   2.   All other claims listed on **Exhibit A** attached are allowed as general

8   unsecured claims for the amount shown on **Exhibit A** as Unremitted

9   Principal. The remainder of those claims are disallowed to the extent

10   they are based upon a Direct Lender investment in the Bay Pompano

11   Beach Loan as shown on **Exhibit A**; and

12   3.   To the extent the claims listed on **Exhibit A** are based upon

13   investments in loans other than the Bay Pompano Beach Loan, this

14   order does not affect them and the USACM Trust may file further

15   objections.

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17 PREPARED AND RESPECTFULLY SUBMITTED BY:

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19 **LEWIS AND ROCA LLP**

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—— LLP ——
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1   In accordance with Local Rule 9021, the undersigned certifies:

2   ☐   The Court waived the requirements of LR 9021.

3
     ☐   No parties appeared or filed written objections, and there is no trustee appointed
4   in this case.

5   ☒   I have delivered a copy of this proposed order to all counsel who appeared at the
           hearing, any unrepresented parties who appeared at the hearing, and any trustee
6   appointed in this case, and each has approved or disapproved the order, or failed
           to respond, as indicated below (list each party and whether the party has
7   approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
☐ approved the form of this order	☐ disapproved the form of this order
☒ waived the right to review the order and/or	☐ failed to respond to the document
Other Party:	
☐ approved the form of this order	☐ disapproved the form of this order
☐ waived the right to review the order and/or	☐ failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
        Rob Charles
        John Hinderaker
        Marvin Ruth
Attorneys for USACM Liquidating Trust

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Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-00080	Quinn, Edward & Darlene	660 Nw Brookhaven Dr Lee'S Summit, MO 64081	156,388.48	42,198.12	12,285.97	29,912.15
10725-01036	Sierra West Inc	Po Box 8346 Incline Village, NV 89452-8346	425,583.32	49,957.58	12,285.97	37,671.61
10725-01165	Goldstein, Barry J & Patricia B	C/O Jeffrey S Berlowitz Esq 4000 Hollywood Blvd Ste 375-S Hollywood, FL 33021	14,699.00	12,951.80	12,285.97	665.83
10725-01175	Nix, John	836 Temple Rock Ct Boulder City, NV 89005	710,937.34	37,732.36	12,285.97	25,446.39
10725-01208	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	23,047.73	12,285.97	10,761.76
10725-01314	John E Michelsen Family Trust	John F Murtha Esq PO Box 2311 Reno, NV 89505	236,764.00	36,735.00	12,285.97	24,449.03
10725-01365	Vrbancic, Richard G	103 Willow Brook Dr Ne Warren, OH 44483-4630	270,000.00	50,000.00	12,285.97	35,003.60
10725-01582	Teeter, Norman	4201 Via Marina #300 Marina Del Rey, CA 90292	136,246.00	12,560.75	12,285.97	274.78
10725-01937	Debt Acquisition Co Of America V Llc Assignee	Barbara J Vivero RevoCAble Trust, Barbara J Vivero 1565 Hotel Cir S Ste 310 San Diego, CA 92108	12,951.80	12,951.00	12,285.97	665.03
10725-02059	Jack R Clark & Linda C Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	1,782,032.06	74,011.56	12,285.97	61,725.59

EXHIBIT A

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